

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
 PLAINTIFF,)
)
 v.) CIVIL ACTION NO. 2:07cv136-WHA
)
SEVEN THOUSAND EIGHT HUNDRED)
SIXTY DOLLARS (\$7,860) DOLLARS)
IN UNITED STATES CURRENCY,)
)
 DEFENDANT.)

REQUEST TO ENTER DEFAULT

To: DEBRA P. HACKETT, CLERK OF THE COURT

The United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, hereby requests that you enter a default, pursuant to Federal Rule of Civil Procedure 55(a), against Lucy Burdette and all other persons and entities having an interest in the Defendant currency, for failure to file a claim or answer, or otherwise defend as provided for in the manner set forth in 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims.

Respectfully submitted this the 2nd day of July, 2007.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/John T. Harmon
John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
One Court Square, Suite 201 (36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7560
E-mail: John.Harmon@usdoj.gov
Bar Number: 7068-II58J

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DECLARATION IN SUPPORT OF
REQUEST TO ENTER DEFAULT

1. I, John T. Harmon, am an Assistant United States Attorney and represent the United States of America (United States) in this action.

2. A Verified Complaint for Forfeiture In Rem was filed on February 14, 2007. The Complaint alleges that the Defendant currency constitutes monies furnished and intended to be furnished in exchange for controlled substances, represents proceeds of trafficking in controlled substances, and was used and intended to be used to facilitate violations of Title 21, United States Code, Sections 801 et seq., which is punishable by imprisonment of more than one year; therefore, the currency is subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 881(a)(6).

3. Pursuant to a Warrant and Summons for Arrest In Rem issued by this Court on February 20, 2007, all persons with an interest in the Defendant currency were required to file their

claims with the Clerk of the Court within thirty (30) days of the execution of the Warrant and Summons for Arrest In Rem, publication of the Notice of Arrest, or actual notice of this action, whichever occurred first.

4. The United States Marshals Service for this District seized the Defendant currency on February 26, 2007.

5. Notice of said forfeiture action was published in the Montgomery Advertiser newspaper on March 7, 14 and 21, 2007.

6. On March 11, 2007, a United States Marshal attempted personal service on Lucy Burdette at 222 Canna Drive, Montgomery, Alabama 36105.

7. On March 12, 2007, a United States Marshal attempted personal service on Lucy Burdette at 1336 Whisperwood Court, Montgomery, Alabama 36116 and 5716 Carriage Brook Road, Montgomery, Alabama 36116. Lucy Burdette's place of usual residence and abode is 1336 Whisperwood Court, Montgomery, Alabama 36116.

8. On March 21, 2007, a United States Marshal attempted personal service on Lucy Burdette at 759 Upchurch Circle, Montgomery, Alabama 36105 and again at 1336 Whisperwood Court, Montgomery, Alabama 36116.

9. On April 4, 2007, a United States Marshal attempted personal service on Lucy Burdette at 2910 Steeple Chase Lane, Apartment C, Montgomery, Alabama 36116. A man by the name of Lonnie Carter was at the residence and refused to accept service of the documents. Mr. Carter refused to provide the Marshal's card to

Lucy Burdette and said Lucy Burdette did not reside at the residence but used the address. No further information was provided to the Marshal.

10. On May 1, 2007, Kannan Sharp, Legal Secretary for Attorney Bruce Maddox, accepted service on behalf of Lucy Burdette, and was personally served by the United States Marshals Service with a copy of the Verified Complaint for Forfeiture In Rem, Notice of Arrest and Seizure, and Warrant and Summons for Arrest In Rem.

11. Lucy Burdette has failed to file a claim or answer within the time permitted by applicable Statutes and Rules.

12. Declarant knows of no reason why a default against Lucy Burdette and all other persons and entities having an interest in the Defendant currency should not now be entered.

I declare under penalty of perjury that the foregoing is true and correct.

Done this 2nd day of July, 2007.

/s/John T. Harmon
John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
One Court Square, Suite 201 (36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7560
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ENTRY OF DEFAULT

It appearing that Kannan Sharp, Legal Secretary for Attorney Bruce Maddox, accepted service on behalf of Lucy Burdette from the United States Marshals Service of copies of the Verified Complaint for Forfeiture In Rem, Notice of Arrest and Seizure, and Warrant and Summons for Arrest In Rem on May 1, 2007;

It appearing the United States Marshals Service's attempted to personally serve Lucy Burdette on March 11, 12, 21 and April 4, 2007;

Lucy Burdette has failed to plead or otherwise defend as required by law.

DEFAULT hereby is entered against said **Lucy Burdette** and all other persons and entities having an interest in the Defendant currency this _____ day of _____, 2007.

CLERK, UNITED STATES DISTRICT COURT